

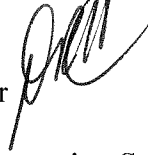



City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor
Floyd Petersen, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA:

TO: City Council

VIA: Dennis R. Hallaway, City Manager 

FROM: W. James Hettrick, Director of Information Systems 

SUBJECT: Establish new Loma Linda Connected Community Program Fees
For High Speed Internet Connections and Services.

RECOMMENDATION

It is recommended that the City Council approve Council Bill No. #R-2004-50 establishing new fees for the Loma Linda Connected Community Program fees and services.

BACKGROUND

The City of Loma Linda, with its high percentage of professionals and a prestigious university and medical center, is a great match for the concept of a Connected Community Program. The Loma Linda Connected Community Program provides an industry standard, implementation of infrastructure deployment, and provide considerable conveniences and flexibility in the utilization of Internet-based smart home technology. This connectivity will allow Internet and other data sharing functions to occur between the home and the rest of the world. For this reason, each home within new developments will meet all of the specifications to enable homeowners and residents to configure and reconfigure their telephone/data and cable television throughout their home as desired. Homeowners will be provided with greater options for their voice and data services.

FINANCIAL IMPACT

Revenue generation to offset expenditures.

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA
LINDA, ESTABLISHING THE RULES, REGULATIONS AND RATE
FOR THE LOMA LINDA CONNECTED COMMUNITY SERVICE**

WHEREAS, the City Council has adopted Ordinance No. 629, adopting the Loma Linda Connected Community Program for all new development projects in the City and additions that exceed 50 percent of the original structure located within the Fiber-Optic Master Plan Area; and

WHEREAS, the City Council has the authority to prescribe, revise and collect charges for the services furnished by the Loma Linda Connected Community Program and to otherwise fix and establish the rates to be charged, as well as all other deposits and charges in connection therewith (such charges are collectively referred to herein as "Rates"); and

WHEREAS, a notice of public hearing on the proposed adoption of Loma Linda Connected Community Rates was published pursuant to Government Code Section 54354.5 in The Sun, circulated in the City of Loma Linda, on the following dates: November 1, 2004 and November 8, 2004.

NOW, THEREFORE, the City Council of the City of Loma Linda does hereby resolve as follows:

Section 1. Public Hearing. A public hearing was held on November 16, 2004 to consider adoption of this Resolution for the establishment of the proposed Rates. During said public hearing, all interested persons, including without limitation, all persons owning property within the boundaries of the City, were given the opportunity to appear and present evidence and testimony concerning any matter relating to this Resolution.

Section 2. The City hereby determines that:

- (a) The proposed Rates are not discriminatory or excessive;
- (b) The proposed Rates will be sufficient to pay any amounts required under any bonded indebtedness pursuant to Government Code Section 54515;
- (c) The proposed Rates will comply with the Revenue Bond Law of 1941;
- (d) The proposed Rates will be sufficient under the provisions or covenants of any outstanding revenue bonds of the City payable from the revenues of the Loma Linda Connected Community enterprise;
- (e) The proposed Rates will be in compliance with the applicable law.

Section 3. The City Council hereby establishes the Rates governing the operation of, and services provided by the Loma Linda Connected Community Program to residential users to provide service levels at best effort as follows:

a. **Establishment of Service.** Applicants for residential service prior to the establishment of service for each address or location will be charged a prepayment amount equal to the rate for service for a period of two months.

b. **Monthly Service Rates.** Billing for Service is bi-monthly.

\$20.00	Each Static IP Address
\$29.95	5 MBPS Connection
\$49.95	10 MBPS Connection
\$99.95	15 MBPS Connection

c. **Service Calls.** \$50/hour technical support services with one (1) hour minimum and increments of one (1) hour.

Section 4. Payment of Bills.

a. Services for the Loma Linda Connected Community Enterprise are included on the bi-monthly utility bill (water, sewer, trash, LLCCP), and are due and payable upon presentation; delinquent 10 days after mailing date.

b. If service is discontinued for non-payment of bill, payment of the full amount for LLCCP service is required before services will be restored.

If service is not restored for nonpayment of bill or discontinued for reason other than non-payment of bill, the hardware provided by the City is to be returned to the City within 10 days of termination of service.

If hardware is not returned within the 10-day period, a charge of \$700 shall be paid to City.

c. Ten (10) days after service has been discontinued, consumer's prepayment will be applied to unpaid balance and accrue to City unless delinquent charges have been paid.

d. Notice of Intention to Discontinue LLCCP Service shall be given to the LLCCP Service shall include a date service shall be discontinued and shall afford an opportunity for the Applicant to be heard regarding reasons why service should not be discontinued.

e. Not less than twenty-four (24) hours before discontinuance of service, the Applicant shall be notified of the pending discontinuance of service by the placement of a door hanger Notice on a conspicuous door upon the premises which shall state substantially as follows:

Because of non-payment of your last LLCCP bill, your
services will be discontinued on _____,

f. Court action shall be instituted by the City Manager or his designated representative to recover any amount outstanding after the prepayment has been applied to the bill.

Section 5. The effective date of this Resolution is January 1, 2005.

PASSED, APPROVED AND ADOPTED this day of by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Karen Gaio Hansberger, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk